

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition by the United States Department of)	NSD-L-99-24
Transportation for Assignment of an)	
Abbreviated Dialing Code (N11) to Access)	
Intelligent Transportation System (ITS))	
Services Nationwide)	
)	
Request by the Alliance of Information and)	NSD-L-98-80
Referral Systems, United Way of America,)	
United Way 211 (Atlanta, Georgia), United)	
Way of Connecticut, Florida Alliance of)	
Information and Referral Services, Inc., and)	
Texas I&R Network for Assignment of 211)	
Dialing Code)	
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. <u>92-105</u> ,
Dialing Arrangements)	

THIRD REPORT AND ORDER AND ORDER ON RECONSIDERATION

Adopted: July 21, 2000

Released: July 31, 2000

By the Commission:

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I. INTRODUCTION

1. N11 codes are abbreviated dialing arrangements that allow telephone users to connect with a particular node in the network by dialing only three digits. There are only eight possible N11 codes,¹ making N11 codes among the scarcest of numbering resources under our jurisdiction. Of the eight N11 codes available, the Commission has already assigned two for nationwide use,² and has been directed by Congress to assign another.³ In addition, three other N11 codes are widely used by carriers across the country, but have not been assigned by the Commission for such nationwide use.⁴ Thus, at this time there remain only two N11 codes that can be assigned and deployed immediately.⁵

2. We have before us two petitions for assignment of N11 codes, as well as a number of other outstanding issues in the N11 proceeding.⁶ In this Order, we grant petitions filed by the U.S. Department of Transportation (DOT),⁷ and by Information and Referral providers⁸ seeking nationwide assignment of abbreviated dialing codes for access to traveler information services,

¹ N11 codes "011" and "111" are unavailable because "0" and "1" are used for switching and routing purposes.

² In *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5572 (1997) (*N11 First Report and Order and FNPRM*), the Commission assigned 311 for access to non-emergency police and other government services, and 711 for access to Telecommunications Relay Services, or TRS. *N11 First Report and Order*, 12 FCC Rcd at 5595, para. 35; *id.* at 5606, para. 55. See *Appendix C* for a list of commenters, reply commenters, and petitioners on the *N11 First Report and Order and FNPRM*.

³ The Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 ("911 Act") directs the Commission to designate 911 as the national emergency number and to support comprehensive emergency communications throughout the United States.

⁴ See *N11 First Report and Order*, 12 FCC Rcd at 5599, para. 45 (allowing continued use of 611 and 811 to access LEC repair and business offices; *id.* at 5600, para. 47 (allowing continued use of 411 for access to directory assistance). See also *id.* at 5607, paras. 57 and 58 (stating that the Commission has exclusive jurisdiction over numbering in the United States, and that N11 codes must be allocated in a consistent manner on a nationwide basis).

⁵ They are 211 and 511.

⁶ Specifically, we address issues raised in the *N11 FNPRM* and two petitions for reconsideration and/or clarification of the *N11 First Report and Order*. International Association of Fire Chiefs and International Municipal Signal Association (IAFC Petitioners) Petition for Reconsideration, filed March 28, 1997; BellSouth Petition for Clarification and Reconsideration, filed March 28, 1997.

⁷ See *Appendix A* for a list of commenters and reply commenters to the U.S. DOT Petition.

⁸ See *Appendix B* for a list of commenters and reply commenters to the Information and Referral Services Petition.

and for access to community information and referral services, respectively. We assign the abbreviated dialing code 511 to be used for access to traveler information services, and assign the abbreviated dialing code 211 to be used for access to community information and referral services. We believe these two proposals meet the "public interest" standards for assignment of N11 codes established in the *N11 First Report and Order*, and this need is demonstrated by the wide support for the two petitions. Both petitioners propose to provide access to their services without an additional charge to callers, and each has demonstrated that its service provides a substantial public benefit. We also resolve petitions for reconsideration and/or clarification of issues raised in the N11 proceeding. Specifically, we deny petitions for reconsideration of the *N11 First Report and Order* filed by the International Association of Fire Chiefs and International Municipal Signal Association (IAFC Petitioners) and BellSouth. We also resolve issues raised in the *N11 FNPRM*. We conclude that the sale or transfer of N11 codes through private transactions should not be allowed at this time, and that the Commission should continue to make assignments of N11 codes, rather than delegate this authority to the North American Numbering Plan Administrator (NANPA) or any other entity.

II. BACKGROUND

3. Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, "N11" codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1.

4. Prior to the 1996 Act, incumbent local exchange carriers (LECs), state commissions, Bellcore⁹ and the Commission performed the functions relating to numbering administration, including administration of abbreviated dialing codes. Section 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (1996 Act), gives the Commission exclusive jurisdiction over numbering administration, and over those portions of the North American Numbering Plan (NANP) that pertain to the United States.¹⁰ This section also provides that the Commission may delegate all or part of its numbering administration authority to state commissions or other entities.¹¹ In 1992, the Commission adopted a Notice of Proposed Rulemaking (*N11 NPRM*) proposing that incumbent local exchange carriers be required to provide abbreviated dialing arrangements.¹² Subsequent to the

⁹ As part of the 1984 AT&T divestiture, N11 related functions previously performed by AT&T were transferred to Bellcore. The Regional Bell Operating Companies (RBOCs) that were created as a result of the AT&T divestiture jointly owned Bellcore. Bellcore performed research and development functions for the RBOCs.

¹⁰ 47 U.S.C. § 251(e)(1). The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (amending the Communications Act of 1934, 47 U.S.C. § 151 et. seq.).

¹¹ 47 U.S.C. § 251(e)(1).

¹² See The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, *Notice of Proposed Rulemaking*, 7 FCC Rcd 3004 (1992)(*N11 NPRM*). The same day the *N11 NPRM* was released, the (continued....)

N11 NPRM, various parties asked the Commission to designate N11 codes to facilitate network access to Telecommunications Relay Service (TRS) for individuals with hearing or speech disabilities, to federal government services, to state government services, and to non-emergency police services.¹³

5. In 1997, the Commission released the *N11 First Report and Order and FNPRM* in which it authorized the incumbent LECs, states, and Bellcore to continue to perform N11 code administrative functions that they performed prior to the time of enactment of the 1996 Act.¹⁴ In the *N11 First Report and Order*, the Commission assigned 311 on a nationwide basis for non-emergency police services, but allowed existing non-compliant uses of 311 to continue until the local government in that area was prepared to activate a non-emergency police 311 service. In addition, at the discretion of local jurisdictions, the Commission allowed 311 to be used to access other government services, but declined to assign a separate N11 for this purpose. The Commission also granted the request for an N11 code to reach Telecommunications Relay Services (TRS), assigning 711 nationwide for this use. Finally, the Commission declined to: (1) mandate that N11 numbers be made available for access to information services; (2) mandate that an N11 code be designated for access to federal government agencies; or (3) disturb the current uses of 911, 411, 611 and 811 for access to emergency services, directory assistance, and LEC repair and business offices, respectively.¹⁵

6. The Commission in the *N11 First Report and Order and FNPRM* also requested comment on a number of issues.¹⁶ Specifically, the issues to be addressed related to deployment

(Continued from previous page)

Commission's Office of General Counsel responded to a petition filed by BellSouth for assignment of N11 codes for access to information services, which request was prompted by a request from Cox Enterprises, Inc. (Cox). Cox had asked BellSouth to assign to it an N11 code in Atlanta for the purpose of offering information services. The Office of General Counsel informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner," which may include, for example, assigning N11 codes on a first-come, first-service basis. Letter from Robert L. Pettit, FCC General Counsel, to David J. Markey, Vice President, BellSouth, May 4, 1992.

¹³ National Center for Law and Deafness and Telecommunications for the Deaf, Inc. petition, filed October 1, 1993 (seeking assignment of 711 for access to TRS by persons with speech and/or hearing disabilities and a second unspecified service code for TRS access by voice and telephone users); General Services Administration (GSA) petition for declaratory ruling, filed March 11, 1994 (requesting assignment of an N11 code for nationwide public telephone access to federal executive agencies); National Association of State Telecommunications Directors *ex parte* letter filed in response to GSA petition for declaratory ruling (requesting a single N11 code for access to state agencies); U.S. Department of Justice's Community Oriented Policing Services (COPS) letter dated August 26, 1996 (seeking designation of 311 nationwide for non-emergency police calls, or other government services, at local discretion).

¹⁴ *N11 First Report and Order*, 12 FCC Rcd at 5579, para. 13.

¹⁵ *Id.* at 5575, para. 2.

¹⁶ *N11 FNPRM*, 12 FCC Rcd at 5610-13, paras. 66-75.

of TRS,¹⁷ the sale or transfer of N11 codes,¹⁸ and administration of N11 codes.¹⁹ Subsequently, several parties filed requests for reconsideration and/or clarification of certain matters discussed in the *N11 First Report and Order*.²⁰ Specifically, the International Association of Fire Chiefs and International Municipal Signal Association (IAFC Petitioners) opposed any expanded use of N11 codes for non-emergency and commercial uses. BellSouth sought reconsideration and/or clarification regarding the status of non-conforming uses of N11 service codes, including 311 and 711, the "six-month" implementation requirement for 311, and requirements placed on CMRS providers with respect to handling 311 calls. It also sought clarification regarding incumbent LECs' obligations to provide 611 and 811 for access to repair and business offices.

7. The U.S. DOT and the Information and Referral Petitioners seek assignment of N11 codes to provide gateway access to travel information services and community service organizations, respectively. The U.S. DOT does not request a specific N11 dialing code, whereas the Information and Referral Petitioners seek assignment of 211, specifically, for their proposal. Both petitioners contend that the provision of services using toll-free numbers or local numbers is not only inefficient, but limits the widespread use of travel information or community services information, and also limits the accessibility to these services. Both proposals enjoy widespread support from a variety of organizations, state and local governments, and other interested parties.

8. This Order resolves issues raised in the petitions for reconsideration that relate to the manner in which N11 codes are assigned, and grants the two petitions for assignment of N11 codes filed by the U.S. DOT and the Information and Referral Petitioners. Issues raised in the *N11 First Report and Order* regarding the implementation of 711 are being addressed in a separate Order.²¹ Similarly, the Commission will address matters dealing with designation of 911 as the national emergency number throughout the United States in a separate order.²²

¹⁷ The following TRS issues were raised in the Further Notice of Proposed Rulemaking: (1) how competition among relay providers would be maintained; (2) whether implementation is technically feasible and, if so, the details of such implementation; (3) the projected costs and cost recovery; and (4) what effect implementation of a nationwide N11 code will have on CMRS providers and their networks. *Id.* at 5610, para. 67.

¹⁸ The Commission tentatively concluded that N11 codes should not be transferred or sold through private transactions. *Id.* at 5612, para. 71.

¹⁹ *Id.* at 5613, paras. 74-75.

²⁰ See IAFC Petition for Reconsideration, BellSouth Petition for Clarification and Reconsideration, *supra* note 6.

²¹ In order to refresh the record on implementation of TRS, the Commission held a public forum on Wednesday, September 6, 1999. See Public Notice, *Revised Public Notice on FCC Convenes a Public Forum on 711 Access to TRS*, DA 99-1170, June 16, 1999.

²² See note 3, *supra*.

III. DISCUSSION

A. Petition for Assignment of N11 Code for Access to Intelligent Transportation Systems Services

1. Background

9. On March 8, 1999, the United States Department of Transportation (U.S. DOT) filed a petition for assignment of a nationwide N11 code for use by state and local governments to deliver travel-related information to the public.²³ The U.S. DOT stated that travel information, including the status of roadway construction, accident locations, and alternate routes, is currently provided by state and local governments across the country, primarily by telephone, often with each municipality and transportation agency having its own telephone number. The U.S. DOT explained that intelligent transportation systems, including advanced traveler information systems, are state-of-the-art information networks that provide real-time, route-specific information on all types of surface travel, which allows commuters and other travelers to make more efficient use of the nation's transportation infrastructure. Despite existence of substantial funding for intelligent transportation systems, these resources are under-utilized because travelers have difficulty remembering the numerous telephone numbers to access the information, particularly as they travel across jurisdictions. The U.S. DOT Petition contends that the assignment of a single, nationwide, three-digit dialing code would enable more travelers to remember the number to access and use the travel-related information. The U.S. DOT further contends that widespread use of this information would reduce vehicular congestion and pollution, lower fuel consumption, provide superior traffic management, and enhance roadway safety.

2. Discussion

10. We conclude that the U.S. DOT has demonstrated that assignment of an N11 dialing code for nationwide access to travel information services is in the public interest, and we therefore assign 511 for this purpose. In the past, the Commission has assigned N11 codes upon a finding that the assignment serves the public interest. For example, in the *N11 First Report and Order*, the Commission found that assignment of 311 would reduce congestion on the national dialing code for emergency services, 911, thereby ensuring that 911 circuits were not overburdened with non-emergency calls. The U.S. DOT Petition meets the standard we have previously employed for assigning N11 codes by demonstrating that there are substantial public benefits in assigning 511 for nationwide access to travel information services. We believe that assignment of 511 will assist state and local governments in their efforts to improve local transportation conditions.

²³ See Petition for Rulemaking by the United States Department of Transportation, filed March 8, 1999 (U.S. DOT Petition). In response, the Commission released a public notice requesting comment on the U.S. DOT Petition. See Petition by the United States Department of Transportation for Assignment of an Abbreviate Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide, *Public Notice*, DA 99-761, NSD File No. L-99-24, CC Docket No. 92-105 (rel. April 20, 1999).

11. Driver frustrations with travel conditions are distilled in a commonly understood phrase – “road rage” – that reflects a national tragedy. The figures cited by the U.S. DOT in support of its proposal are staggering. Each year, nationwide, there are six million accidents, 42,000 deaths, and 5.2 million injuries, at an approximate cost of \$200 billion annually.²⁴ To deal with these costs, state and local governments are spending vast sums of money to equip the nation’s roadways with intelligent transportation systems.²⁵ They seek to provide real-time information on the exact status of roadways, to allow better, safer traffic and travel management, and to provide the traveling public with more informed choices on how and when to travel.²⁶

12. According to the U.S. DOT, increased state and local government investment in technology stems from the fact that roadways in major metropolitan areas are becoming increasingly congested, and building more roads to solve this dilemma may no longer be feasible for economic and other reasons. We believe that granting the U.S. DOT Petition will ensure more efficient use of existing roadways and reduce the need for expensive infrastructure investments. We have already seen the positive effects of providing real-time access to travel information services in certain jurisdictions. For example, after four years of use of advanced traveler information systems in Massachusetts, the Massachusetts Department of Transportation (MassDOT) found that, despite efforts to select a mnemonic seven-digit number and millions of dollars spent to promote it, the lack of awareness and inability to recall the seven-digit number were the biggest barriers to using the advanced traveler information system.²⁷ Despite this limitation, a survey revealed that 85 percent of users rated the system “8” or better on a scale of 1 to 10; 63 percent of users avoided traffic problems, and 59 percent of users saved time. Almost half the callers using the system indicated in a survey that the information they received influenced their travel decisions, with 14 percent changing their time of departure, and 12 percent taking another route.²⁸

13. We reject GTE’s contention that we must deny the U.S. DOT Petition because it fails to show there are no “other ways currently available to achieve convenient dialing that do not drain scarce N11 resources.”²⁹ GTE argues that the U.S. DOT showing that callers have to dial different phone numbers in every geographic area is insufficient reason to grant the

²⁴ U.S. DOT Petition at 3.

²⁵ The U.S. DOT projects that public and private sectors will spend an estimated \$425 billion on intelligent transportation systems by the year 2015. *Id.* at 5.

²⁶ According to U.S. DOT, at least 43 states and 42 major metropolitan areas, and over 100 transit agencies currently operate traveler information systems, using the telephone as the primary means of communication. *Id.* at 12.

²⁷ Callers using mobile phones who only had to dial “*1” were more likely to remember the access number than landline users who had to dial seven digits. *Id.* at 15-17.

²⁸ *Id.*

²⁹ GTE Comments at 2, citing *N11 First Report and Order*, 12 FCC Rcd at 5584 (para. 20).

Petition.³⁰ According to the U.S. DOT, virtually each state, metropolitan area, and transit agency has a separate telephone number, often having different telephone numbers for traffic, transit and other related information in the same metropolitan area.³¹ We agree with the U.S. DOT and other commenters that assignment of an abbreviated dialing code would stimulate the deployment and use of travel-related information by making access to such information more readily accessible.³² We also believe that assignment of an abbreviated dialing code would maximize the benefits of such information,³³ which include decreasing traffic congestion, reducing air pollution and inefficient use of fossil fuels,³⁴ improving the nation's productivity on and off the roadways, and improving traveler safety.³⁵

14. We are persuaded by evidence of N11 trials in various localities that intelligent transportation systems are substantially more likely to succeed when they are accessible via an N11 code than if they are not and therefore that the public interest would be served by assigning an N11 code for this purpose. The most persuasive evidence comes from use of an N11 dialing code in the Cincinnati and Northern Kentucky area.³⁶ During a three-month period in 1997, when Kentucky residents dialed 211 to reach the traveler information service and Ohio residents dialed 333-3333 to reach the same traveler information, the Kentucky Transportation Cabinet reports that 72 percent more calls were made to the abbreviated dialing code than to 333-3333.³⁷ We believe that these positive results can and will be duplicated nationwide,³⁸ based on the

³⁰ *Id.* at 3, citing DOT Petition at 12, 18 (“[c]urrently in the Washington, DC – New York City corridor there are eleven different telephone numbers through which to obtain traffic and transit status”).

³¹ U.S. DOT Petition at 2.

³² See, e.g., San Francisco Bay Area Rapid Transit District (BART) Comments (endorsing the need for a common number in an area with over 25 different transit agencies, and noting also that residents in nine Bay area counties can access travel information with a common seven-digit number); Landstar System, Inc., Comments at 2 (noting that assignment of N11 will make travel information more accessible than information that is currently provided by some state and local governments).

³³ *Id.* at 5.

³⁴ *Id.* at 7, 15.

³⁵ *Id.* at 2.

³⁶ See *id.* at 13; Kentucky Transportation Cabinet Reply Comments at 1-3; Kentucky Transportation Cabinet *ex parte* filed October 8, 1999 (describing migration from 311 to 211 to provide traffic information that overlapped initiation of several major freeway construction projects). We also note that the Kentucky Transportation Cabinet was the first agency in the nation to use an N11 to provide traveler information.

³⁷ Kentucky Transportation Cabinet Reply Comments at 3; see also Ohio Department of Transportation Comments at 1 (describing an increase in calls to 211 despite having chosen 333-3333 for travel information service on the basis of market research that it would be an easy to remember number).

³⁸ See also Ohio Department of Transportation Comments, Exhibit A at 2 (users reporting 85% satisfaction rate with current 211 travel information number, 99% stating they benefitted from service, and over 80% reporting they believed they would benefit from nationwide use of N11 number for this service).

widespread support for the U.S. DOT proposal, from metropolitan area regional transit groups³⁹ to states with predominantly rural driving conditions.⁴⁰ Accordingly, we find that the assignment of an N11 code as requested by the U.S. DOT is in the public interest.

15. As with our allocations of 311 and 711, we conclude that a governmental entity may request 511 from both wireline and wireless providers to use for intelligent transportation systems or other transportation information. We encourage wireless carriers to negotiate roaming agreements with one another for the benefit of their customers, and we believe that competition among carriers will encourage them to do so, because it will be advantageous for customers to be able to reach the service as often as possible, even while roaming on another carrier's network. We do not specify parameters for cost recovery and other technical issues, contrary to suggestions of some commenters.⁴¹ Instead, we leave with federal, state, and local government transportation agencies the discretion to determine the deployment schedule and the type of transportation information that will be provided using 511, similar to how we handled this issue with respect to 311 in the *N11 First Report and Order*.⁴² We conclude that setting parameters for these issues may in fact hinder governmental entities in deploying 511. We encourage federal, state, and local government transportation agencies to work cooperatively to ensure that the transportation information provided using 511 is appropriate to the national scope of our designation and the scarcity of the N11 public resource. In order to put the 511 code to the best use, callers should have access to information that transcends municipal boundaries and that is easily retrievable in a single call. State public utilities commissions may continue to exercise jurisdiction over N11 codes to the extent necessary to ensure that carriers comply with transportation agencies' requests to deploy 511 expeditiously. We also note that governmental entities, working in conjunction with regional government transportation agencies, will need time to determine uniform standards for how travel information services should be provided to the public.⁴³ We further note the efforts some communities have made in transitioning to an N11 code for travel-related information, and we are confident that communities across the country will be able to transition to the 511 dialing code.⁴⁴ Finally, we encourage the U.S. DOT to facilitate ubiquitous deployment of 511 for access to travel information services across the

³⁹ See, e.g., Metropolitan Transportation Commission *ex parte* April 22, 1999.

⁴⁰ See, e.g., Honorable Marc Racicot, Governor, State of Montana Comment (describing need to standardize roadway information to make more accessible, and user friendly).

⁴¹ See, e.g., WorldCom Comments at 3-4.

⁴² *N11 First Report and Order*, 12 FCC Rcd at 5596, para. 37. In this regard, we reject the contention of Sprint PCS that the N11 code assigned for use with traveler information services should be made available to entities other than governmental entities. Sprint PCS at 2-5.

⁴³ The U.S. DOT proposal specifies no contemplated DOT regulations to accompany assignment of an N11 code. See generally U.S. DOT Petition.

⁴⁴ The Kentucky Department of Transportation and the Ohio Department of Transportation have used the 311 dialing code for traffic information. *N11 First Report and Order*, 12 FCC Rcd at 5594, para. 34.

country.

16. Because N11 dialing codes are such a scarce resource, however, we will examine and reassess our assignment of the 511 code for access to travel information systems five years after the effective date of this Order. If, at that time, 511 is not being used on a widespread basis for provision of travel information services, we may consider also designating the 511 code for other uses, or removing the exclusive assignment for travel information services.

B. Petition for Assignment of an N11 Code for Access to Information and Referral Services

1. Background

17. On May 28, 1998, the Alliance of Information and Referral Systems, the United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc. and the Texas I&R (Information and Referral) Network (collectively, Information and Referral Petitioners), filed a petition for nationwide assignment of an abbreviated dialing code for access to community information and referral services (Information and Referral Petition).⁴⁵ The Information and Referral Petitioners contend that there is a demonstrated need for an easy to remember, easy to use abbreviated dialing code that will enable persons in need to be directed to services providing free information and referrals to community service organizations. Petitioners argue further that assigning an N11 code to such services would provide an important adjunct to the codes that the Commission has already assigned to meet other public needs.⁴⁶ The Information and Referral Petitioners cite to a range of human needs not addressed by either the 911 code or police non-emergency 311 code such as housing assistance, maintaining utilities, food, finding counseling, hospice services and services for the aging, substance abuse programs, or dealing with physical or sexual abuse.⁴⁷ The Information and Referral Petitioners state that there is strong interest in several states for developing an N11 code for this purpose,⁴⁸ and that the tools exist to do so. The Information and

⁴⁵ The Petition requested the 211 code. Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and the Texas I&R Network for Assignment of 211 Dialing Code (Information and Referral Petition). In response, the Commission issued a public notice for comment on their petition. *See* Request by Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and the Texas I&R Network for Assignment of 211 Dialing Code, *Public Notice*, DA 98-1571, NSD File No. L-98-80 (rel. Aug. 6, 1998).

⁴⁶ The Information and Referral Petitioners contend that assignment of 211 would compliment existing uses of 911 for emergency services and the assignment of 311 for police non-emergency uses in the *N11 First Report and Order*. Information and Referral Petition at 5-6.

⁴⁷ *See id.* at 6.

⁴⁸ In an *ex parte* dated February 22, 2000, representatives of the Information and Referral Petitioners provided Commission staff with an updated state-by-state status of 211, indicating that 211 was active in at least one locality in Connecticut and a thirteen-county area in Atlanta, Georgia. The Information and Referral Petitioners also indicated that petitions for 211 had been filed with local public utility commissions in three other states (continued....)

Referral Petitioners contend that assigning an N11 code for such purposes is in the national interest, and commenters overwhelmingly support the proposal.⁴⁹

2. Discussion

18. We find that the Information and Referral Petitioners have demonstrated sufficient public benefits to justify use of a scarce public resource,⁵⁰ and we therefore assign 211 to be used for access to community information and referral services. Individuals facing serious threats to life, health, and mental well being have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance. For example, the Information and Referral Petitioners present a call summary prepared by United Way 211 (based in Atlanta) for the year 1997, which indicates that seven percent of the calls to United Way 211 involved immediate shelter needs, 20 percent involved rental/mortgage assistance needs (for example, threatened eviction), 16 percent involved utility issues, critical in inclement weather, and nine percent involved the need for food.⁵¹ The remaining calls presented issues relating to counseling, medical aid, prescription assistance, physical and sexual abuse, and potential suicide. Other less urgent situations, also not addressed by 911 service or the current 311 service, might involve persons needing child care solutions, aging and hospice services, adolescent activities, educational programs, support groups, legal assistance, child and spousal abuse counseling, substance abuse programs, and other needs vital to the welfare of individuals, families, and communities.⁵²

19. We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met here. We are persuaded by the Information and Referral Petitioners' assertion that, with a large number of toll-free telephone numbers, confusion is inevitable and the increased margin for error in dialing eleven digits creates obstacles to use of community information and referral services, particularly in urgent situations.⁵³ Moreover, as the Information and Referral Petitioners (Continued from previous page) _____
(Massachusetts, Ohio and Wisconsin) and a county in Michigan. In addition, 211 petitions had been approved in three other states (Alabama, North Carolina and Utah), with statewide information and referral models developed in three others (Florida, Texas and Virginia). Six states had made no commitment on 211, with the remaining considering 211 to some degree for access to community information and referral services.

⁴⁹ See, e.g., Linda Daily Comments (letter from private citizen stating, "[w]hether it's a mammogram, substance abuse services, therapeutic recreation for a disabled child, or 1 of more than 4,000 human services, the issue is the same. No one knows where to start."); Ameritech Comments at 1 (supporting Information and Referral Petition as meeting FCC policy of limiting national assignment of unused N11 codes for public purposes).

⁵⁰ We reject arguments to the contrary. See, e.g., CinBell Comments at 2.

⁵¹ Information and Referral Petition at 6.

⁵² *Id.*

⁵³ *Id.* at 11.

also point out, this confusion is not resolved when directory assistance for toll-free numbers is used, because directory assistance for toll free numbers lists entries by name, but not service or need category. We also are persuaded that local numbers are not viable alternatives because they are difficult to distinguish from the myriad of other local businesses and community services numbers, and may not be of service to travelers and the recently relocated, who often need temporary assistance. Moreover, people with mental or physical limitations would benefit from the use of a three-digit nationwide number, rather than having to dial various and different seven or ten digits to get access to help. We also note that the number of people served by the information and referral organizations that make up the Information and Referral Petitioners is quite large. The United Way 211 (Atlanta, Georgia and the thirteen-county surrounding area) provides free (bilingual) service 24 hours a day, seven days a week to a population of more than three million people.⁵⁴ In Connecticut, Infoline provides access to community resources throughout the state.⁵⁵ In Texas, regional data centers – 24-hour data centers linked to the 100 community information centers and each other – are being established to provide comprehensive health and human service information, allowing 18 million residents to have information about vital services across the state.⁵⁶ In Florida, information for about 40 percent of the state's counties are represented in search and data features that have been included in an integrated database, uploaded on the Florida Alliance of Information and Referral Service internet site.⁵⁷ The designation of a uniform national code would simplify access to information from these and other sources and would make such information readily available to new members of communities as well as existing local citizens.

20. We believe that providing access to community information and referral services using 211 has many benefits. Individuals will now have an easy to remember nationwide number to call when they need non-emergency help. Unlike 311, which is being used in some communities to provide access to non-emergency police services,⁵⁸ the range of services that will be available using 211 is of a much broader scope. We are mindful that the Commission in the *N11 First Report and Order* gave local jurisdictions discretion to use 311 for access to government services that might, in some instances, overlap the services to be provided using 211.

⁵⁴ *Id.* at 7, 14. We also note that the United Way 211 database includes public and private agencies and programs in the Atlanta region, not just United Way member agencies or those supported by United Way funding. *Id.*

⁵⁵ *Id.* at 4.

⁵⁶ *Id.* at 8.

⁵⁷ *Id.*

⁵⁸ According to the Community Oriented Policing Services (COPS) Office at the U.S. Department of Justice, a number of communities have implemented 311 for access to non-emergency police services with the assistance of funds provided by the Department of Justice. These include Baltimore, Maryland; Dukes County, Massachusetts (Martha's Vineyard); Rochester, New York; Miami, Florida; Houston, Texas; City of Los Angeles, California <www.lacity.org>; Pasadena, South Pasadena, California; and Birmingham, Alabama. Other communities also have implemented 311, including Dallas, Texas; Chicago, Illinois; Washington, D.C.; San Jose, California; Hampton, Virginia; and San Antonio, Texas.

We are not convinced, as are some commenters, that this will cause confusion among callers as to which N11 code should be used to access what type of information.⁵⁹ To the contrary, we believe that the extensive education campaign that the Information and Referral Petitioners and others have undertaken to publicize the use of 211 has and will continue to eliminate any potential confusion. The Information and Referral Petitioners have invested significant resources in publicizing the use of the 211 code in some areas of the country, and we have already seen an enormous amount of support for efforts to implement access to community information and referral services using 211 at the state and local level from citizens, government officials, and organizations that provide help to others.⁶⁰ Thus, we believe that access to community information and referral services using 211 will provide a vital adjunct to existing 311 services. We also believe that 211 service for access to community information and referral services will provide a useful adjunct to 911 service by further reducing calls to 911 that do not require immediate dispatch of police, fire, or medical personnel.⁶¹

21. We therefore assign 211 to be used to provide access to community information and referral services. Similar to the Commission's national assignment in the *N11 First Report and Order* of 311 for access to non-emergency police and other government services,⁶² we direct that, when a provider of telecommunications services receives a request from an entity (*e.g.*, the United Way) to use 211 for access to community information and referral services, the telecommunications provider must: (1) ensure that any entities that were using 211 at the local level prior to the effective date of this Order relinquish use of the code for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the requesting entity in its service area.⁶³ The 211 dialing code is currently in use in Atlanta, Georgia and parts of Connecticut, and we expect communities across the country will be able to make similar transition to 211. We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource. Finally, we will reexamine deployment of community information and referral services using 211 five years after the effective date of this Order to determine whether this resource is being utilized in the manner and to the extent anticipated by the Information and Referral Petitioners.

⁵⁹ See National Telephone Enterprises, Inc. Comments at 6; SBC Communications, Inc. Comments at 1-2.

⁶⁰ See, *e.g.*, Area Agency on Aging Comments at 1; Ask-2000 Comments at 1; Chris Bell, Houston Council Member, Comments at 1; Big Bend Hospice Comments at 1; Border Families are Valued Project Comments at 1; Brazos County Community Council Comments at 1; Mary Brennan, Florida House of Representatives, Comments at 1; The Bridge Comments at 1; Houston Mayor Lee P. Brown Comments at 1; The City of Calgary Comments at 1; The City of Atlanta, Georgia Comments at 1; Capital Area Healthy Start Coalition Comments at 1; Center for Advocacy for the Rights and Interests of the Elderly Comments at 1; HelpLine Comments at 1; Information and Referral Midland Comments at 1-2; Center for Information and Crisis Services, Inc. Comments at 1.

⁶¹ See *N11 First Report and Order*, 12 FCC Rcd at 5595, para. 36; see also discussion of IAFC Petition at para. 25, *infra*.

⁶² *Id.* at 5615, para. 83. See also para. 5, *supra*.

⁶³ *Id.* at 5615, para. 84.

As with 511, if 211 is not being used on a widespread basis for access to community information and referral services, we may consider designating the 211 code for other uses, or removing the exclusive assignment for community information and referral services.

C. Petitions for Reconsideration or Clarification

1. International Association of Fire Chiefs and International Municipal Signal Association Petition for Reconsideration

a. Background

22. On March 28, 1997, the International Association of Fire Chiefs, Inc., and the International Municipal Signal Association (IAFC Petitioners) filed a Petition for Reconsideration requesting that the Commission reconsider the assignment of 311 as a national code for non-emergency access to police and local government agencies.⁶⁴ The IAFC Petitioners contend that the 311 assignment is not supported by the record, nor is it in the public interest because it will result in increased caller confusion which will undermine and jeopardize the 911 emergency calling systems.⁶⁵ The IAFC Petitioners claim that the status of N11 codes for public interest use is significant in the minds of callers and, if open for non-emergency and commercial uses, that significance will be diminished by rendering the codes just another form of speed dialing.⁶⁶ The N11 codes, they argue, are a scarce public resource that should be reserved for broad-based public interest uses that do not threaten the emergency calling system.⁶⁷ The IAFC Petitioners indicate that, with the assignment of the 311 abbreviated dialing code, 911 emergency calling systems can anticipate more misrouted calls, more transfers from non-emergency answering points, and more multiple transfers. Furthermore, because the utilization of 311 by local governments is optional, the IAFC Petitioners predict caller confusion, particularly in large areas comprised of multiple jurisdictions with blurred boundaries, because the callers will not be able to dial 311 for access to non-emergency police services in all areas of those jurisdictions.⁶⁸ In addition, IAFC Petitioners predict further confusion produced by the Commission's apparent decision to exempt commercial mobile radio service (CMRS) providers from 311 obligations.⁶⁹

23. The IAFC Petitioners also contend that the Commission's failure in the *N11 First Report and Order* to provide for funding of 311 service, because of its conclusion that funding is a local issue, constitutes an impermissible federal mandate to state and local governments. The IAFC Petitioners conclude by asserting that the *N11 First Report and Order* also suffers from

⁶⁴ IAFC Petition at 1.

⁶⁵ *Id.* at 2.

⁶⁶ *Id.* at 3.

⁶⁷ *Id.* at 5.

⁶⁸ *Id.* at 5.

⁶⁹ *Id.* at 5-6.

deficiencies that render it arbitrary and capricious because it shunts key issues to state and local governments, substitutes speculation for reasoned consideration, and is internally inconsistent.⁷⁰

24. The National Emergency Number Association (NENA) supports the IAFC Petition, alleging that the Commission's decision does not pay enough attention to alternatives for non-emergency calls and to the risks of confusion with 911 calls.⁷¹ NENA faults the timing of the Commission's decision to assign 311, noting that public safety studies and industry trials that could add to the record are pending, and that the Commission has requested the North American Numbering Council to study alternative abbreviated dialing arrangements.⁷²

b. Discussion

25. The IAFC Petitioners do not persuade us that we should abandon 311 as the national code for access to non-emergency police and local government agencies. In essence, the IAFC Petitioners argue that the use of N11 codes other than 911 will increase public confusion and misdirected calls. As we discussed in the *N11 First Report and Order*, and herein in connection with the pending petitions for assignment of an N11 code, substantial societal benefit can flow from the legitimate use of N11 codes. Further, we agree with AT&T that the IAFC Petitioners' contentions that the assignment of 311 as the N11 code for non-emergency police services has been fully aired in their comments to the N11 proceeding, and properly considered and rejected by the Commission.⁷³ Numerous comments were received in the N11 proceeding from fire departments across the country and Public Safety Answering Points (PSAPs) indicating that their 911 systems were overloaded by non-emergency calls and supporting national assignment of 311 as a benefit to the delivery of their emergency services.⁷⁴ In addition, the Commission found that various police departments and associations, as well as the National Sheriff's Association and the National Troopers Coalition supported the assignment of 311 for non-emergency purposes.⁷⁵ Accordingly, we concluded in the *N11 First Report and Order* that assignment of a national number through which the public could gain access to non-emergency police and other government services was in the public interest.⁷⁶

26. We are convinced that the benefits of a national N11 assignment for access to non-emergency police service outweigh the implementation concerns, which are most appropriately addressed by local governments, raised by some commenters. These include user

⁷⁰ *Id.* at 13-20.

⁷¹ See NENA Comments at 1.

⁷² See *id.* at 1-2.

⁷³ See AT&T Comments at 6.

⁷⁴ See *N11 First Report and Order*, 12 FCC Rcd at 5590, para. 28.

⁷⁵ *Id.*

⁷⁶ *Id.* at 5595, para. 35.

confusion with 911, technical issues related to implementation, costs, funding and the potential effects on the 911 system.⁷⁷ As we stated in the *N11 First Report and Order*, some of the concerns about possible confusion with 911 that led to suggestions of alternatives to a national N11 number, such as a three-digit number without “11” as the last two digits, an 800 number, or a seven-digit number, are the same concerns that led us to find an N11 code superior to those alternatives.⁷⁸ We noted that the similarity between an N11 number and 911 would make the non-emergency number easy to use, resulting in greater reduction on non-emergency calls on 911 circuits.⁷⁹ We expressed confidence in local education programs in jurisdictions implementing 311 service to lessen the possibility of confusion between 311 and 911 by focusing on the importance of continuing to dial 911 in true emergencies.⁸⁰ Without actual evidence that such problems exist in these communities that have implemented 311, we continue to believe that the benefits of 311 outweigh these concerns. Moreover, states and localities that believe the use of 311 will lead to such problems have the option of not implementing such services.

27. Further, the IAFC Petitioners err in their assertion that CMRS providers are exempt from our 311 obligations. The Commission mandates the provision of 311 service by “providers of telecommunications services” and does not exclude wireless carriers from this definition.⁸¹ We note, however, due to the technical unfeasibility of the provision of 311 service by one-way paging providers, that we did not impose the 311 obligation on these service providers.

28. Moreover, we decline to reconsider our conclusion that funding of 311 is a local issue. In reaching this conclusion in the *N11 First Report and Order*, the Commission noted that states and local government may deploy 311 through their 911 centers or devise alternative procedures for routing and answering 311 calls.⁸² The Commission acknowledged that a telecommunications services provider may incur certain costs in implementing 311 service and concluded that, since 311 calls, like 911 calls, are typically intrastate, states would regulate cost recovery in most instances.⁸³ In doing so, we do not believe that the Commission imposed any affirmative obligations on those state and local authorities. Moreover, because the Commission did not require states or localities to deploy personnel or facilities to respond to 311 calls, we conclude that our assignment of 311 is not an unfunded mandate to the states. Instead, we have made available a federal numbering resource, the 311 code, to assist local law enforcement and

⁷⁷ *Id.* at 5596, para. 39.

⁷⁸ *Id.* at 5597, para. 40.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ See *N11 First Report and Order*, 12 FCC Rcd at 5598, para. 43.

⁸² *Id.* at 5598, para. 42.

⁸³ *Id.*

public safety efforts.

2. BellSouth Petition for Clarification and Reconsideration

a. Background

29. On March 28, 1997, BellSouth Corporation filed a Petition for Clarification and Reconsideration of the *N11 First Report and Order* requesting clarification of the manner in which N11 codes are to be provisioned and reconsideration of the six-month implementation requirement established for the provision of 311.⁸⁵ Specifically, BellSouth seeks clarification that, under the Commission's definition of "assignment," existing providers of local information services using 311 and 711 are "current users" of the numbers that may continue their use of the previously unassigned codes, and that the Commission's assignment of 311 and 711 is not a national recall of these codes.⁸⁶ BellSouth also seeks clarification that the 311 code may continue to be assigned by LECs and states for non-conforming local uses until a request is made for a conforming local use of that code.⁸⁷

30. BellSouth argues that the Commission did not address, in its *N11 First Report and Order*, how 311 service should be provisioned.⁸⁸ BellSouth expresses concern that requesting entities might interpret the *N11 First Report and Order* to require that 311 calls be handled in the same manner as 911 calls.⁸⁹ BellSouth seeks clarification of this matter, pointing out that, although the Commission stated that states and local governments may deploy 311 through their 911 centers, it also allows for alternative procedures for routing and answering 311 calls.⁹⁰ BellSouth argues that 911 features, such as Automatic Number Identification (ANI) and Automatic Location Identification (ALI) information, are unnecessary in the non-urgent context of a 311 call.⁹¹ BellSouth also seeks clarification of whether CMRS providers are required to furnish 311 dialing capability to non-subscribers or roamers in the absence of a roaming agreement.⁹² Furthermore, BellSouth seeks clarification of whether, because states have no

⁸⁵ BellSouth Petition at 5.

⁸⁶ *Id.* at 3.

⁸⁷ *Id.* at 3-4.

⁸⁸ *Id.* at 6.

⁸⁹ *Id.*

⁹⁰ *Id.* at 6-7.

⁹¹ *Id.* at 7. BellSouth also seeks clarification that CMRS providers are not required to provide ANI or wireless caller location information to the local government service provider.

⁹² *Id.*

jurisdiction to approve wireless rates, CMRS providers may set prices and charge their subscribers for 311 service or calls made to local government 311 service providers, without regulation by the state authorities.⁹³ AT&T and CTIA support BellSouth's request for clarification.⁹⁴

31. BellSouth indicates that its requests for reconsideration of the Commission's six-month implementation requirement for 311 is necessitated by the absence of any single uniform solution for the implementation of 311 and the possibility that multiple requests for its use will be submitted that will require resolution by the state commissions.⁹⁵ The time needed for implementation, it argues, depends upon several factors, including the number of jurisdictions requesting the use of 311, the type of service requested by the jurisdictions, the architecture that will be needed to support those service requests, the LECs' ability to disconnect existing non-conforming uses, and the need to refile tariffs to remove the 311 code from non-conforming service offerings.⁹⁶ It explains that compliance with the six month implementation requirement will be practically impossible if multiple requests from different entities within the same geographic areas are received, possibly requiring the state commission to initiate a proceeding to decide how 311 will be implemented.⁹⁷

32. Finally, BellSouth requests that the Commission clarify that BellSouth may meet its obligations for 311 implementation by providing tariffed, local calling area-based service to requesting 311 entities pursuant to the terms and conditions of its tariffs.⁹⁸ If any type of architecture change is required by the requesting 311 entity, BellSouth argues, the Commission should postpone implementation until:

- (1) the underlying architecture is established;
- (2) any switch upgrades or software enhancements that are required by the underlying architecture selected are in place;
- (3) issues resulting from multiple requests in the same service area have been resolved by the state commission through a final order;
- (4) a state commission-approved funding mechanism has been established; and

⁹³ *Id.* at 7-8.

⁹⁴ See AT&T Comments at 1-2; CTIA Comments at 3-4.

⁹⁵ BellSouth Petition at 8.

⁹⁶ *Id.*

⁹⁷ *Id.* at 9.

⁹⁸ *Id.*

- (5) appropriate contractual agreements have been established between CMRS providers and the 311 service provider for 311 service.⁹⁹

b. Discussion

33. In the *N11 First Report and Order*, the Commission states that “assignment” means that an announcement is made to the industry that a particular number will be used for certain, defined services to warn current users of that number that they will need to relinquish their use of the number when the new assignment is implemented. We clarify that “current users” in our definition of “assignment” are those entities currently employing 311 for “other uses,” *i.e.* purposes other than for non-emergency police calls and other government services.¹⁰⁰ Local information service providers, among other entities currently using 311 for various purposes, clearly would fit within this definition of “current users.”

34. Indeed, when announcing assignment of 311 as the N11 code to be used to reach non-emergency police services on a nationwide basis, the Commission stated that, wherever 311 is currently in use for other purposes, it would allow that use to continue until the local government in that area requests activation of 311 for the assigned purpose.¹⁰¹ Also, because the record indicated that 311 was being used for purposes other than non-emergency police access in several jurisdictions, the Commission stated in the *N11 First Report and Order* that it would allow nonconforming uses of the 311 code to continue for a reasonable period to ensure that there is no unreasonably abrupt disruption of those uses.¹⁰² Finally, when denying requests for grandfathering of nonconforming uses of 311 at the local level, the Commission noted that the use of 311 for other purposes prior to the effective date of the *N11 First Report and Order* may continue until the local government in that area is prepared to activate a non-emergency 311 service.¹⁰³ As the Commission stated in the *N11 First Report and Order*, its actions in this regard were consistent with existing Bellcore guidelines, which permitted local use of N11 codes provided that such assignments and use could be discontinued on short notice.¹⁰⁴ In light of the foregoing, we clarify that the Commission’s assignment of 311 is not a national recall of that code that requires discontinuance of its use for other than the assigned purposes in jurisdictions that have not implemented conforming services using 311.

35. With respect to BellSouth’s assertion that the Commission’s *N11 First Report and*

⁹⁹ *Id.* at 9-10

¹⁰⁰ *N11 First Report and Order*, 12 FCC Rcd at 5595, para. 35.

¹⁰¹ *Id.* at 5575, para. 2.

¹⁰² *Id.* at 5596, para. 38.

¹⁰³ *Id.* at 5597, para. 41.

¹⁰⁴ *Id.*

Order might be interpreted to require that 311 calls be handled in the same manner as 911 emergency calls, we recognize that all implementation issues for 311 have not been resolved.¹⁰⁵ In our *N11 First Report and Order*, CTIA contended that the Commission must define the scope of 311 services so that CMRS providers are technically capable of providing those services.¹⁰⁶ The Commission agreed with CTIA that carriers should not necessarily be required to provide the same features or the same terms for 311 as are provided for 911, and stated that it did not intend to impose the same types of obligations on wireless providers with regard to 311 as it did with regard to 911.¹⁰⁷ We therefore clarify that there is no Commission mandate that 311 calls be provisioned in the same manner as 911 emergency calls.

36. Additionally, we decline at this time to change the requirement that a provider of telecommunications services must ensure that, within six months of receiving a request from an entity to use 311, entities that were assigned 311 for nonconforming uses discontinue use of the code for those purposes, and must take the necessary steps to complete 311 calls for entities seeking to provide access to conforming services using 311. We continue to believe that six months is an appropriate implementation period following a request to provide 311 service, and hereby reaffirm that finding.

D. Further Notice of Proposed Rulemaking Issues

1. Sale of N11 Codes

a. Background

37. Section 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, gives the Commission exclusive jurisdiction over the administration of numbering resources, including N11 codes. The Commission has recognized that the N11 abbreviated dialing codes are scarce numbering resources. Like other numbering resources, the Commission concluded they are public resources and not the property of carriers.¹⁰⁸ We have reiterated that carriers do not own N11 codes or other numbering resources, although they have administered them for the efficient operation of the public switched telephone network.¹⁰⁹

38. The Commission has recognized that the limited supply of N11 codes and the demand for them makes N11 codes a valuable resource. To capitalize on this value, in the *N11*

¹⁰⁵ Rather, we have stated that the benefits of a national assignment outweigh implementation concerns. *Id.* at 5596, para. 39.

¹⁰⁶ *Id.* at 5598, para. 43.

¹⁰⁷ *Id.*

¹⁰⁸ *Administration of North American Numbering Plan*, CC Docket No. 92-237, *Report and Order*, 11 FCC Rcd 2588, 2591, para. 4 (1992)(*NANP Order*).

¹⁰⁹ *N11 Further Notice*, 12 FCC Rcd at 5612, para. 71.

NPRM the Commission suggested that those entities using N11 codes may wish to sell or transfer the use of these abbreviated dialing codes to others.¹¹⁰ Upon review of the record, we issued the *N11 Further Notice* and tentatively concluded that because they are a national public resource, N11 codes should not be sold or transferred through private transactions.¹¹¹ We sought comment on our statutory authority to sell the right to use N11 codes. We asked parties to distinguish the statutory authority to sell the right to use N11 codes from the right to sell other abbreviated dialing arrangements.

b. Discussion

39. We affirm the Commission's tentative conclusion that the sale or transfer of N11 codes through private transactions should not be allowed at this time. Most commenters agree that the sale of N11 codes would not be in the public interest,¹¹² and some suggest that we lack the statutory authority to permit such sale or transfer.¹¹³ Our exclusive jurisdiction over the North American Numbering Plan (NANP) as it pertains to the United States gives us broad authority over NANP resources, and we believe that this broad authority permits us to use market-based economic strategies to optimize the use of NANP numbering resources in the United States. Nonetheless, we need not resolve this issue in the present context because of our conclusion that N11 codes may not be sold or transferred through private transactions.

2. Administration of N11 Codes

a. Background

40. Prior to the 1996 Act, incumbent LECs, state commissions, Bellcore and the Commission performed the functions related to numbering administration, including administration of N11 codes. Although the 1996 Act gives the Commission exclusive jurisdiction over number administration, it authorizes the Commission to delegate all or part of its numbering administration authority to state commissions or other entities.¹¹⁴ In the *N11 First Report and Order*, the Commission authorized the incumbent LECs, state commissions, and Bellcore to continue to perform N11 code administration related functions that they performed at the time of enactment of the 1996 Act.¹¹⁵

41. Number administration functions previously performed by Bellcore, namely

¹¹⁰ *N11 NPRM*, 7 FCC Rcd at 3005, para. 15.

¹¹¹ *N11 Further Notice*, 12 FCC Rcd at 5612, para. 71.

¹¹² See, e.g., AT&T comments at 3.

¹¹³ AT&T comments at 6; PCIA comments at 2-4; Cox comments at 4-6.

¹¹⁴ 47 U.S.C. § 251(e)(1).

¹¹⁵ *N11 First Report and Order*, 12 FCC Rcd at 5574-75, para. 2.

Numbering Plan Area (NPA)¹¹⁶ assignments and NPA relief planning, have been transferred to a neutral North American Numbering Plan Administrator (NANPA).¹¹⁷ AT&T and Bellcore, while serving as the NANPA, designated 411, 611, 811, and 911 for national use. In the *N11 First Report and Order*, the Commission concluded that it would not disturb the 411 and 911 designations.¹¹⁸ Since use of 611 and 811 was less ubiquitous than use of 411 and 911, however, the Commission concluded that carriers could continue the current uses of these N11 codes until they are needed for other national purposes.¹¹⁹ The Commission exercised the authority previously exercised by AT&T and Bellcore, to assign N11 codes (311 and 711) for nationwide use.

42. Many LECs assigned N11 codes for local use consistent with the AT&T and Bellcore designations or as otherwise authorized by state commissions. In 1998, CO code administration functions previously performed by the incumbent LECs were transferred to the neutral NANPA.¹²⁰ In the *N11 Further Notice*, we sought comment on whether N11 administration, to the extent performed prior to the 1996 Act and otherwise continued, should also be transferred from the incumbent LECs to the neutral NANPA.¹²¹

b. Discussion

43. We conclude that the Commission should continue to designate and assign N11 codes for nationwide use, rather than delegate that authority to the NANPA or any other entity. We find that it is not necessary to transfer N11 administration functions from the incumbent LECs to the NANPA or any other entity. Commencing with the *N11 First Report and Order*, we have made three national assignments of N11 codes.¹²² Once we assign or designate an N11 for national use, essentially all that remains to do is to implement that assignment and monitor the uses of the N11 codes.¹²³ We do not at this time decide what role, if any, state commissions may

¹¹⁶ NPAs are also referred to as area codes.

¹¹⁷ NeuStar currently serves as the NANPA.

¹¹⁸ *N11 First Report and Order*, 12 FCC Rcd at 5586, 5600, paras. 23 and 47.

¹¹⁹ *Id.* at 5599, para. 45.

¹²⁰ *NANP Order*, 11 FCC Rcd at 2634, para. 115. *See also Administration of North American Numbering Plan*, CC Docket No. 92-237, *Third Report and Order*, 12 FCC Rcd 23040, 23071-72, para. 59 (1997).

¹²¹ *N11 FNRPM*, 12 FCC Rcd at 5612-13, paras. 72-75.

¹²² In the *N11 First Report and Order*, we designated 311 for access to non-emergency police services and 711 for access to telecommunications relay service. In this Order, *supra*, paras. 10-16 and 18-21, we assign 511 for access to advanced traveler information systems and 211 for access to community information and referral services.

¹²³ Assignment or designation involves announcement to the industry that a particular N11 code will be used for certain, defined purpose(s). This announcement alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. Implementation, on the other hand, may involve, in addition to (continued....)

play once we make a national assignment. That role will necessarily be determined on a case by case basis as we make national assignments. We clarify, however, that states will be allowed to continue to make local assignments that do not conflict with our national assignments.

3. Need for Comprehensive Rulemaking

44. Several commenters contend that that we should initiate a comprehensive review of our rules and practices relating to abbreviated dialing arrangements, due in part to the "competing" petitions,¹²⁴ and other existing users.¹²⁵ We decline, at this time, to do so because we find such a rulemaking proceeding to be unnecessary. In this Order, we resolve issues that pertain to the two pending requests for assignment of N11 codes. With the exception of one outstanding petition,¹²⁶ we also have resolved in this Order most of the outstanding issues relating to the N11 proceeding. We also note that in the three-year period following the *N11 First Report and Order*, we have received only two petitions for assignment of the remaining N11 codes, both of which are resolved herein,¹²⁷ and both of which enjoy overwhelming support. We therefore decline to initiate a rulemaking and review of our rules and practices relating to abbreviated dialing codes at this time.

IV. PROCEDURAL MATTERS

A. Regulatory Flexibility Act

45. As required by the Regulatory Flexibility Act (RFA),¹²⁸ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *N11 First Report and Order and FNPRM*. The Commission sought written public comment on the proposals in the *N11 FNPRM*, including comment on the IRFA. The IRFA requested written public comment on two issues: (1) the technical feasibility of implementing 711 access for telecommunications relay services and (2) the proprietary nature of N11 codes and the transfer of the administration of N11 codes.

(Continued from previous page) _____

discontinuing nonconforming uses, preparing and modifying switches to translate the N11 code and route the call accordingly, installing additional switching equipment, and installing or modifying software or other hardware.

¹²⁴ See MCI (now WorldCom) Comments at 3-4 (filed in response to the U.S. DOT Petition). See also United Way of Connecticut Comments (opposing assignment of 211 for travel purposes because this number is currently in use statewide for public and private community services).

¹²⁵ See Cox Enterprises Comments at 1-2, stating that longest-standing use of an N11 code to a commercial entity is the use of 511 to provide information services to consumers in Atlanta, Georgia; see also note 5, *supra*.

¹²⁶ See Ameritech Petition for Clarification, filed March 28, 1997. We decline to address issues raised in Ameritech's Petition for Clarification at this time because they are not related to the two requests for assignment of N11 that are at issue in this Order.

¹²⁷ See sections III. A and B, *supra*.

¹²⁸ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

46. The first issue concerning the technical feasibility of implementing 711 access is being addressed in a companion proceeding captioned the *Second Report and Order*. Therefore, we will not address that issue in this proceeding.

47. The second issue concerning the sale or transfer of N11 codes and the administration of N11 is addressed in this proceeding. We conclude that the sale or transfer of the N11 codes through private transactions should not be allowed at this time, and that the Commission should continue to make assignments of N11 codes, rather than delegate this authority to another entity. Therefore, we decline to make any revisions or modifications to our rules at this time. The RFA requires that a Final Regulatory Flexibility Analysis be completed “[w]hen an agency promulgates a final rule . . .”¹²⁹ Because we are not adopting any new rules and are not making any changes to existing rules, a FRFA is not required.

V. ORDERING CLAUSES

48. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), and 251(e)(1) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251(e)(1), that this *Third Report and Order and Order on Reconsideration* is hereby ADOPTED.

49. IT IS FURTHER ORDERED, that the Petition for assignment of an N11 for access to travel information services filed by the U.S. Department of Transportation is GRANTED, and that the Petition for assignment of 211 for access to community information and referral services filed by the Information and Referral providers is GRANTED.

50. IT IS FURTHER ORDERED, that the Petitions for Reconsideration and/or Clarification filed by Arch, BellSouth, Interactive Services Association, and International Association of Fire Chiefs and International Municipal Signal Association are DENIED.

51. IT IS FURTHER ORDERED, that 511 is ASSIGNED as a national abbreviated dialing code to be used exclusively for access to travel information services as of the effective date of this *Third Report and Order*.

52. IT IS FURTHER ORDERED, that 211 is ASSIGNED as a national abbreviated dialing code to be used for access to community information and referral services as of the effective date of this *Third Report and Order*.

¹²⁹ 5 U.S.C. § 604(a).

53. IT IS FURTHER ORDERED, that this Commission shall reexamine the deployment of 511 for access to traveler information services, and of 211 for access to community information and referral services five years after the effective date of this *Third Report and Order*.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Magalie Roman Salas". The signature is written in a cursive style with a large initial "M".

Magalie Roman Salas
Secretary

Appendix A

Comments and Replies Filed in Petition by the United States Department of Transportation for
Assignment of an Abbreviate Dialing Code (N11) to Access Intelligent Transportation System
(ITS) Services Nationwide

CC Docket No. 92-105

NSD L-99-24

211 Collaborative Reply

AAA

American Association of State Highway and Transportation Officials

Maryland Department of Transportation, Mass Transit Administration

Altamont Computer Express

Association for Commuter Transportation

AT&T Corp. (AT&T)

AT&T Reply

San Francisco Bay Area Rapid Transit District (BART)

BART Reply

BellSouth Corporation

Bi-State Development Agency

Capitol Region Council of Governments

Capital District Transportation Authority

Cellular Telephone Industry Association Reply

Charlotte Transit

Chittenden County Metropolitan Planning Organization

Clark County-Springfield Transportation Coordinating Committee

Greater Cleveland Regional Transit Authority

Communications Venture Services, Inc.

Cox Enterprises, Inc.

Central Ohio Transit Authority

Dallas Area Rapid Transit

Des Moines Area Metropolitan Planning Organization

Government of the District of Columbia

Escambia County Area Transit

Economic Development Council of Northeastern Pennsylvania

Evansville Urban Transportation Study

Foothill Transit

Fort Worth Transportation Authority

I-95 Corridor Coalition

Intelligent Transportation Society of Florida

Intelligent Transportation Society of America, American Public Transit Association, and

American Association of State Highway and Transportation Officials – Joint Reply

Kentucky Transportation Cabinet

GTE Service Corporation

Kalamazoo Metro Transit System

Kansas Department of Transportation

Kentucky Transportation Cabinet
Landstar System, Inc.
Lee County, Department of Transportation
Transit Authority of Lexington, Kentucky
Livermore/Amador Valley Transit Authority
Central Florida Regional Transportation Authority
Maricopa Association of Governments
Massachusetts Bay Transportation Authority
Massachusetts Highway Department
MCI WorldCom, Inc. (now WorldCom)
METRO Regional Transit Authority
Southern California Regional Rail Authority, Metrolink
Rock Island County Metropolitan Mass Transit District
METROPLAN ORLANDO
Metropolitan Transportation Commission
Mississippi Department of Transportation
Minnesota Department of Public Safety
Minnesota Department of Transportation
Intelligent Transportation Society of America, Minnesota
Monterey-Salinas Transit
Mid-Ohio Regional Planning Commission
Marc Racicot, Governor, State of Montana
Mike Johanns, Governor, State of Nebraska
Jeanne Shaheen, Governor, State of New Hampshire
North Carolina Department of Transportation
Port of Oakland
Metropolitan Transportation Commission
Ohio Department of Transportation
Ohio-Kentucky-Indiana Regional Council of Governments
Ohio Public Utilities Commission
Sybille H. Phillips
Port Authority Trans-Hudson Corporation
Potomac and Rappahannock Transportation Commission
Regional Transportation Commission
Rhode Island Department of Transportation
Red Rose Transit Authority
Sacramento Area Council of Governments
San Mateo County Transit District
San Diego Association of Governments
San Francisco Public Transportation Department Municipal Railway
Silicon Valley Smart Corridor Steering Committee
Ron Gonzales, Mayor, City of San Jose
Santa Clara Valley Transportation Authority
Santa Cruz Metropolitan Transit District
SmartRoute Systems, Inc.
Southern California Association of Governments, Southern California Rideshare

Sprint Spectrum L.P., d/b/a Sprint PCS
David E. Stein
Sunline Transit Agency
Lawrence T. Tai
Transit Authority of River City
Tompkins Consolidated Area Transit
Texas Department of Transportation
Transportation Operations Coordinating Committee
Tri-County Metropolitan Transportation District of Oregon
Triangle Transit Authority
Tulsa County, Board of County Commissioners
University of Florida, Transportation Research Center
United Way of Connecticut
Utah Transit Authority
Utah Department of Transportation
U.S. DOT
Valley Metro Regional Public Transportation Authority
Virginia Department of Transportation
Washington State Department of Transportation
Sweson Yang

Appendix B

Comments and Replies Filed in Request by Alliance of Information and Referral Systems,
United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut,
Florida Alliance of Information and Referral Services, Inc., and the Texas I&R Network for
Assignment of 211 Dialing Code
NSD-L-98-80

American Public Communications Council
Ameritech
Area Agency on Aging
Brazos County Community Council
Brazos County Emergency Communications District Services
Ask-2000, a Program of the Hawaii Community Services Council
Chris Bell, Houston Council Member
BellSouth Corporation
Big Bend Hospice
Border Families Are Valued Project
Mary Brennan, Florida House of Representatives
The Bridge, A Refuge for Women
Lee P. Brown, Mayor, Houston
City of Calgary, Community and Social Development Department
Bill Campbell, Mayor, City of Atlanta
Capital Area Healthy Start Coalition
Center for Advocacy for the Rights and Interests of the Elderly (CARIE)
Carnegie Library of Pittsburgh, HelpLine
Information and Referral Midland, Casa de Amigos of Midland, Texas
Center for Information & Crisis Services, Inc.
Cincinnati Bell, Inc. (CinBell)
CinBell Reply
Children's Forum
Lawton Chiles, Governor, State of Florida
Coalition for the Homeless of Houston/Harris County, Inc.
Community Connection of Northeast Georgia
Community Council of Greater Dallas
Communities in Schools of Georgia
Community Service Council of Chester County, Inc.
Community Services Planning Council, InfoLine Sacramento
Dick Armey, Representative, Texas
Michael Bilirakis, Representative,
George Brown, Representative, California
Charles T. Canady, Representative, Florida
Rosa L. DeLauro, Representative, Connecticut
Sam Gejdenson, Representative, Connecticut
Newt Gingrich, Representative, Georgia
Darlene Hooley, Representative, Oregon
Kay Granger, Representative, Texas

Eddie Bernice Johnson, Representative, Texas
Nancy L. Johnson, Representative, Connecticut
Nita M. Lowey, Representative, New York
James H. Maloney, Representative, Connecticut
John W. Olver, Representative, Massachusetts
Louise M. Slaughter, Representative, New York
Community Connection of Northeast Georgia
Connecticut Department of Public Utility Control
CONTACT, Bucks County
CONTACT Community Services of Camden County, New Jersey
CONTACT Telephone Helpline, Inc.
The Council on Alcohol & Drug Abuse/Houston
Crisis Intervention Center of Houston, Inc.
Council of Community Services
Donald R. Craig
Crisis Line Information and Referral, Inc.
Crockett Resource Center for Independent Living, Inc.
Crossroads: Community Partnership for Youth, Inc.
Linda S. Daily
Danbury Regional Commission on Child Care, Rights and Abuse
Texas Disability Policy Consortium
Richard Recht
El Paso Community Resource Coordination Group
Gene F. Eriquez, Mayor, City of Danbury
Family Resource Center
Family Service America, Inc.
Free Information and Referral System Telephone
First Call for Help, Daytona Beach, Florida
First Call for Help, Portage County, Ohio
First Call for Help, Sarasota, Florida
First Call for Help, Spring Hill, Florida
First Call for Help, Central Minnesota
Florida Alliance of Information and Referral Service
Florida Department of Children & Families
Florida Developmental Disabilities Council, Inc.
Walter Schoenig
Florida Department of Juvenile Justice
Freeborn County Family Services Collaborative
Georgia Emergency Management Agency
Gold County Telecare, Inc.
Jack Guynn, President, Federal Reserve Bank of Atlanta
Hands on Atlanta
John A. Hardiman
The Haven of Religious Community Services, Inc.
State of Hawaii, Executive Office on Aging
Heart of Florida United Way

Heart of Illinois United Way
Helpline, Tulsa, Oklahoma
HELPLINK Information and Referral Service
Homeward
Houston Area Women's Center
Human Services Council
Human Services Information & Referral Program of Northern VA Planning District Commission
United Way of Metropolitan Atlanta
Incarnate Word Heal System
Metropolitan Atlanta Council on Alcohol and Drugs
Illinois Alliance of Information and Referral Systems
Info Line, Inc.
INFO LINK Orange County
Information & Referral of Douglas County
Information & Referral Services, Inc.
Information & Referral Services, Midland
Information London
Information and Referral Centre of Greater Montreal
INFORMAtion services Vancouver
J. Bulow Campbell Foundation
Jean Kelley, Houston City Council Member
Kenosha Human Development Services, Inc.
Kiwanis Club of College Station
Ann Kramer
Cyndi Taylor Krier, County Judge, Bexar County, Texas
Lafayette Crisis Center
Jack Latvala, Senator, Florida Senate
Low Tech Designs, Inc.
Vigo County Lifeline, Inc.
Lutheran Social Services of North Florida
Milwaukee Council on Alcoholism and Drug Dependence, Inc.
MCI Telecommunications Corp. (now WorldCom)
WorldCom Reply
Mecklenburg County Department of Social Services
Mental Health Association in Waukesha County, United Way of Waukesha County & Waukesha
County Department of Health and Human Services
Mile High United Way
Zell Miller, Governor, State of Georgia
National Emergency Number Association and National Association of State Nine-One-One
Administrators
National Telephone Enterprises, Inc. (NTE)
NTE Reply
Marilyn Kemeny Nathan
Robert W. Neumann, Sheriff, Palm Beach County
North Central-Flint Hill Area Agency on Aging
North Carolina Alliance of Information and Referral Systems

New York State Alliance of Information and Referral Systems
OMB Watch
Orange County Rescue Mission
Michael T. Petrik
Howard W. Peak, Mayor, City of San Antonio
Philadelphia Corporation for Aging
Sallie Parks, Commissioner, Pinellas County Board of County Commissioners
Planning Council for Health and Human Services, Inc.
John Portela
Mark O'Connell, President, United Way of Metropolitan Atlanta
Regional Contractors Commonwealth of Virginia Human Services Information & Referral
System
Joe Roach, Houston City Council
Carroll G. Robinson, Houston City Council
John G. Rowland, Governor, State of Connecticut
Walter Schoenig
Daniel K. Akaka, US Senate, Hawaii
Christopher J. Dodd, US Senate, Connecticut
John Glenn, US Senate, Ohio
Bob Graham, US Senate, Florida
Phil Gramm, US Senate, Texas
Senior Services (five different submissions by executive personnel)
Shepherd Center of Tarpon Springs, Inc.
Sioux Empire United Way
Southwestern Bell Corporation (SBC)
Southwest Louisiana Education and Referral Center, Inc.
Jon Spacht
Strategic Interfaces
The Support Network, Edmonton, Alberta
Switchboard of Miami, Inc.
Tarrant County 911 District
Team Metro
Telephone Counseling & Referral Service
Texas Department of Protective and Regulatory Services
The Information Center, Inc., Family Resource Place
Triangle United Way
Tull Charitable Foundation, Inc.
United Way of Allegheny County
United Way of Amarillo and Canyon
United Way of America
First Call, United Way of Adroscoggin County
United Way of Asheville and Buncombe County
United Way of Bucks County
United Way California Capitol Region
United Way/Capital Area
United Way of Central Florida

United Way of Central Georgia
United Way of Central Indiana
United Way of Central Maryland
United Way of Central Massachusetts
United Way of Central Virginia
United Way of Coastal Bend
United Way/Crusade of Mercy, Inc.
United Way of Metropolitan Dallas, Inc.
United Way of Dane County
United Way of Davis County
United Way of Greater Dayton Area
United Way of Essex and West Hudson
United Way of Northern Fairfield County
United Way of Florida (two letters from executive personnel)
United Way Fox Cities
United Way of Greater Greensboro
United Way of Illinois
Greater Kalamazoo United Way
United Way LINK, Lake County, Ohio
United Way of Lubbock
United Way of the Midlands
United Way of Minneapolis Area
United Way of Monmouth County
United Way of Puerto Rico (Fondos Unidos de Puerto Rico)
United Way of San Antonio and Bexar County
United Way of Southeastern Pennsylvania
United Way of Sterling-Rock Falls
United Way of Summit County
United Way of Metropolitan Tarrant County
United Way of Texas
United Way of the Texas Gulf Coast
United Way of Thomas Jefferson Area
United Way of Tyler/Smith County
United Way of Virginia
United Way of Westchester and Putnam, Inc.
United Way at Work Advisory Council
United Way Services, Metropolitan Atlanta
United Way Services, Cleveland
United Way Services, Richmond
University Of Houston, Victoria
University of Texas at Austin University of Texas, Houston, Health Science Center
Volunteer and Information Agency
Larry E. Walton
Whatcom Crisis Services
The Women's Center of Tarrant County, Inc.
YWCA

Appendix C

Comments and Petitions Filed in *N11 First Report and Order and FNPRM*
CC Docket 92-105

Comments

Ameritech
AT&T Corp. (AT&T)
Bell Atlantic and Nynex
BellSouth Corporation (BellSouth)
Cellular Telephone Industry Association (CTIA)
David J. Nelson (Nelson)
GTE Service Corporation
Maricopa Association of Governments (Maricopa)
MCI Telecommunications Corporation (MCI)
Mitchell D. Travers
National Association of the Deaf (NAD)
Pacific Telesis Group
Southwestern Bell Telephone Company (SBC)
Sprint Corporation (Sprint)
Telecommunications for the Deaf, Inc. (TDI)
United States Telephone Association (USTA)
US West, Inc. (US West)

Petitions for Clarification and Comments

Arch Communications
Ameritech
BellSouth
CTIA
Interactive Services Association
International Association of Fire Chiefs and the International Municipal Signal Association
(IAFC Petitioners)
NENA
US West

Reply Comments

AT&T
Nelson
NAD
Council of Organizational Representatives on National Issues Concerning People who are Deaf
or Hard of Hearing (COR)
Georgia Public Service Commission (Georgia PSC)
SBC